

House File 754 - Introduced

HOUSE FILE _____
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HF 419)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to regulation of child care by the department of
2 human services by providing for licensing of child development
3 homes, establishing a regulatory fee and appropriating the fee
4 proceeds, making penalties applicable, and providing effective
5 and applicability date provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
7 TLSB 2041HV 83
8 jp/nh/24

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1 1 DIVISION I
1 2 REGULATORY FEE
1 3 Section 1. NEW SECTION. 237A.4A CHILD CARE REGULATORY
1 4 FEE == CHILD DEVELOPMENT HOME FUND.
1 5 1. The department shall implement a regulatory fee for
1 6 registration or licensure of child care facilities. The fee
1 7 requirements shall provide for tiered amounts based upon a
1 8 child care facility's capacity and a child development home's
1 9 registration category. However, the regulatory fee for
1 10 centers shall not exceed one hundred fifty dollars and for
1 11 child development homes shall not exceed one hundred dollars.
1 12 The department shall adopt rules for implementation of the
1 13 fee.
1 14 2. Regulatory fees collected shall augment existing
1 15 funding for regulation of child care facilities in order to
1 16 phase in annual inspections of child development homes and
1 17 improve inspections of child care centers. The department
1 18 shall not supplant existing funding for regulation of child
1 19 care with funding derived from the regulatory fee. The
1 20 department shall seek to meet the following target percentages
1 21 of the total number of child development homes in the state
1 22 inspected annually in phasing in the annual inspection of all
1 23 child development homes:
1 24 a. For the fiscal year beginning July 1, 2009, twenty
1 25 percent.
1 26 b. For the fiscal year beginning July 1, 2010, forty
1 27 percent.
1 28 c. For the fiscal year beginning July 1, 2011, sixty
1 29 percent.
1 30 d. For the fiscal year beginning July 1, 2012, eighty
1 31 percent.
1 32 e. For the fiscal year beginning July 1, 2013, and
1 33 succeeding fiscal years, one hundred percent.
1 34 3. a. In phasing in the inspection of child development
1 35 homes, the department shall give priority to child development
2 1 homes that have recently registered or renewed a registration
2 2 and have paid the regulatory fee implemented pursuant to this
2 3 section.
2 4 b. The results of an inspection of a child care facility
2 5 shall be made publicly available on the internet page or site
2 6 implemented by the department in accordance with section
2 7 237A.25 and through other means.
2 8 4. The target time frame for the department's issuance of
2 9 the report concerning an inspection or other regulatory visit
2 10 to a child care facility is sixty calendar days.
2 11 5. A child care facility fund is created in the state
2 12 treasury under the authority of the department. The fund is
2 13 separate from the general fund of the state. Regulatory fees
2 14 collected under subsection 1 shall be credited to the fund.
2 15 Moneys credited to the fund shall not revert to any other fund

2 16 and are not subject to transfer except as specifically
2 17 provided by law. Notwithstanding section 12C.7, subsection 2,
2 18 interest or earnings on moneys deposited in the fund shall be
2 19 credited to the fund. Moneys in the fund are annually
2 20 appropriated to the department to be used for staffing
2 21 dedicated to monitoring and regulation of child care
2 22 facilities, contracting, and other expenses for inspection and
2 23 regulation of child care facilities.

2 24 Sec. 2. IMPLEMENTATION.

2 25 1. The department of human services shall adopt
2 26 administrative rules to begin implementation of the regulatory
2 27 fee authorized to be imposed by this division on or after
2 28 January 1, 2010.

2 29 2. Beginning on the effective date of this division of
2 30 this Act, the department of human services shall begin
2 31 transition activities for implementation of child development
2 32 home licensure in accordance with division II of this Act.

2 33 The transition activities may include all of the following:

2 34 a. Implementation of an ongoing public awareness campaign
2 35 to inform child care providers and consumers of child care
3 1 services of the changes provided for in division II.

3 2 b. Implementation of a voluntary child development home
3 3 licensing program on or after July 1, 2010. Under the
3 4 voluntary program a child development home provider whose
3 5 registration is in good standing at the time of application
3 6 and has a rating at level 3, 4, or 5 under the child care
3 7 quality rating system implemented pursuant to section 237A.30,
3 8 may apply for a child development home license. The
3 9 department shall adopt rules for the voluntary program.

3 10 c. Adoption of rules to fully implement the provisions of
3 11 division II on July 1, 2013.

3 12 DIVISION II

3 13 CHILD DEVELOPMENT HOME LICENSING

3 14 Sec. 3. Section 237A.1, subsections 4 and 5, Code 2009,
3 15 are amended to read as follows:

3 16 4. "Child care center" or "center" means a facility
3 17 providing child care or preschool services for seven or more
3 18 children, except when the facility is ~~registered~~ licensed as a
3 19 child development home.

3 20 5. "Child care facility" or "facility" means a child care
3 21 center, preschool, or ~~a registered~~ child development home.

3 22 Sec. 4. Section 237A.1, subsection 6, Code 2009, is
3 23 amended to read as follows:

3 24 6. "Child care home" means a person ~~or program~~ providing
3 25 child care ~~to five or fewer children at any one time~~ that is
3 26 not ~~registered~~ licensed to provide child care under this
3 27 chapter, as authorized under section 237A.3.

3 28 Sec. 5. Section 237A.1, subsections 7 and 11, Code 2009,
3 29 are amended to read as follows:

3 30 7. "Child development home" means a person or program
3 31 ~~registered~~ licensed under section 237A.3A that may provide
3 32 child care to ~~six~~ one or more children at any one time.

3 33 11. "Involvement with child care" means licensed ~~or~~
3 34 ~~registered~~ under this chapter, employed in a child care
3 35 facility, residing in a child care facility, receiving public
4 1 funding for providing child care, or providing child care as a
4 2 child care home provider, or residing in a child care home.

4 3 Sec. 6. Section 237A.1, Code 2009, is amended by adding
4 4 the following new subsection:

4 5 NEW SUBSECTION. 14A. "Relative" means an adult person who
4 6 is one of the following relatives of a child, by means of
4 7 blood relationship, marriage, or adoption, or is a spouse of
4 8 one of the following relatives:

- 4 9 a. Grandparent.
- 4 10 b. Great-grandparent.
- 4 11 c. Great-great-grandparent.
- 4 12 d. Stepparent, but not the parent of the stepparent.
- 4 13 e. Sibling.
- 4 14 f. Stepsibling.
- 4 15 g. Sibling by at least the half blood.
- 4 16 h. Uncle or aunt by at least the half blood.
- 4 17 i. Great-uncle or great-aunt.
- 4 18 j. Great-great-uncle or great-great-aunt.
- 4 19 k. First cousin.
- 4 20 l. Nephew or niece.
- 4 21 m. Second cousin.

4 22 Sec. 7. Section 237A.3, Code 2009, is amended to read as
4 23 follows:

4 24 237A.3 CHILD CARE HOMES.

4 25 1. A person ~~or program~~ providing who is a relative
4 26 providing child care to ~~five children or fewer at any one time~~

4 27 only related children, a person providing before or after
4 28 school child care without charge to only children of friends
4 29 or neighbors, or a person providing child care to only
4 30 children from a single unrelated family is a child care home
4 31 provider and is not required to ~~register~~ be licensed under
4 32 section 237A.3A as a child development home. However, the
4 33 person or program may ~~register~~ obtain a license as a child
4 34 development home.

4 35 2. If a person or program has been prohibited by the
5 1 department from involvement with child care, the person or
5 2 program shall not provide child care as a child care home
5 3 provider and is subject to penalty under section 237A.19 or
5 4 injunction under section 237A.20 for doing so.

5 5 3. The location at which the child care is provided shall
5 6 be a single-family residence that is owned, rented, or leased
5 7 by the person or program providing the child care or by the
5 8 parent, guardian, or custodian of the children receiving the
5 9 child care. For purposes of this subsection, a "single-family
5 10 residence" includes an apartment, condominium, townhouse, or
5 11 other individual unit within a multiple unit residential
5 12 dwelling, but does not include a commercial or industrial
5 13 building that is primarily used for purposes other than a
5 14 residence.

5 15 Sec. 8. Section 237A.3A, subsections 1, 2, and 3, Code
5 16 2009, are amended to read as follows:

5 17 1. REGISTRATION LICENSURE.

5 18 a. A person shall not establish or operate a child
5 19 development home unless the person obtains a ~~certificate of~~
5 20 registration license.

5 21 b. The department shall issue a ~~certificate of~~
5 22 registration license upon receipt of a statement from the
5 23 person or upon completion of an inspection conducted by the
5 24 department or a designee of the department verifying that the
5 25 person complies with applicable rules adopted by the
5 26 department pursuant to this section and section 237A.12. The
5 27 department may implement a provisional license process to
5 28 allow a person who is in compliance with essential licensing
5 29 requirements, as determined by the department, to provide
5 30 child care until all of the licensing requirements are met.

5 31 c. The ~~certificate of registration license~~ shall be
5 32 posted in a conspicuous place in the child development home
5 33 and shall state the name of the ~~registrant licensee~~, the
5 34 registration licensure category of the child development home,
5 35 the maximum number of children who may be present for child
6 1 care at any one time, and the address of the child development
6 2 home. In addition, the ~~certificate license~~ shall include a
6 3 checklist of registration licensure compliances.

6 4 d. The registration licensure process for a child
6 5 development home shall be repeated every twenty-four months as
6 6 provided by rule.

6 7 e. A person who holds a child foster care license under
6 8 chapter 237 shall ~~register~~ be licensed as a child development
6 9 home provider in order to provide child care.

6 10 2. REVOCATION OR DENIAL OF REGISTRATION LICENSE. If the
6 11 department has denied or revoked a ~~certificate of registration~~
6 12 license because a person has continually or repeatedly failed
6 13 to operate a ~~registered or~~ licensed child care facility in
6 14 compliance with this chapter and rules adopted pursuant to
6 15 this chapter, the person shall not operate or establish a
6 16 ~~registered~~ child development home for a period of twelve
6 17 months from the date the ~~registration or~~ license was denied or
6 18 revoked. The department shall not act on an application for
6 19 registration licensure submitted by the person during the
6 20 twelve-month period. The applicant or person shall be
6 21 prohibited from involvement with child care unless the
6 22 involvement is specifically permitted by the department.

6 23 3. RULES.

6 24 a. Three categories of standards shall be applicable to
6 25 child development homes. The initial designations of the
6 26 categories, which may be revised by the department, shall be
6 27 "A", "B", and "C", as ranked from ~~less more~~ stringent
6 28 standards and capacity to ~~more less~~ stringent standards and
6 29 capacity. The ~~C~~ "A" registration licensure category
6 30 standards shall require the highest level of provider
6 31 qualifications and allow the greatest capacity of the three
6 32 categories. The department of human services, in consultation
6 33 with the Iowa department of public health, shall adopt rules
6 34 applying standards to each category specifying provider
6 35 qualifications and training, health and safety requirements,
7 1 capacity, amount of space available per child, and other
7 2 minimum requirements. The capacity requirements shall take

7 3 into consideration the provider's own children, children who
7 4 have a mild illness, children receiving part-time child care,
7 5 and children served as a sibling group in overnight care.
7 6 b. The rules shall allow a child development home to be
7 7 ~~registered~~ licensed in a particular category for which the
7 8 provider is qualified even though the amount of space required
7 9 to be available for the maximum number of children authorized
7 10 for that category exceeds the actual amount of space available
7 11 in that home. However, the total number of children
7 12 authorized for the child development home at that category of
7 13 ~~registration licensure~~ shall be limited by the amount of space
7 14 available per child.

7 15 c. In consultation with the state fire marshal, the
7 16 department shall adopt rules relating to the provision of fire
7 17 extinguishers, smoke detectors, and two exits accessible to
7 18 children in a child development home.

7 19 d. The rules shall require a child development home to be
7 20 located in a single-family residence that is owned, rented, or
7 21 leased by the person or, for dual ~~registrations~~ licensees, at
7 22 least one of the persons who is named on the child development
7 23 home's ~~certificate of registration license~~. For purposes of
7 24 this paragraph, a "single-family residence" includes an
7 25 apartment, condominium, townhouse, or other individual unit
7 26 within a multiple unit residential dwelling, but does not
7 27 include a commercial or industrial building that is primarily
7 28 used for purposes other than a residence.

7 29 Sec. 9. Section 237A.4, Code 2009, is amended to read as
7 30 follows:

7 31 237A.4 INSPECTION AND EVALUATION.

7 32 1. The department shall make periodic inspections of
7 33 licensed centers to ensure compliance with licensing
7 34 requirements provided in this chapter, and the local boards of
7 35 health may make periodic inspections of licensed centers to
8 1 ensure compliance with health-related licensing requirements
8 2 provided in this chapter. The department may inspect records
8 3 maintained by a licensed center and may inquire into matters
8 4 concerning these centers and the persons in charge. The
8 5 department shall require that the center be inspected by the
8 6 state fire marshal or a designee for compliance with rules
8 7 relating to fire safety before a license is granted or
8 8 renewed.

8 9 2. The department or a designee may periodically visit
8 10 ~~registered licensed~~ child development homes for the purpose of
8 11 evaluation of an inquiry into matters concerning compliance
8 12 with rules adopted under section 237A.12. Evaluation of child
8 13 development homes under this section may include ~~consultative~~
8 14 consulting services provided pursuant to section 237A.6.

8 15 Sec. 10. Section 237A.5, subsection 1, Code 2009, is
8 16 amended to read as follows:

8 17 1. All personnel in licensed ~~or registered~~ child care
8 18 facilities shall have good health as evidenced by a report
8 19 following a preemployment physical examination taken within
8 20 six months prior to beginning employment ~~or providing child~~
8 21 care as a child development home licensee. The examination
8 22 shall include communicable disease tests by a licensed
8 23 physician as defined in section 135C.1 and shall be repeated
8 24 every three years after initial employment ~~or licensure, as~~
8 25 applicable. Controlled medical conditions which would not
8 26 affect the performance of the employee ~~or licensee~~ in the
8 27 capacity employed shall not prohibit employment ~~or licensure~~.

8 28 Sec. 11. Section 237A.5, subsection 2, paragraph a,
8 29 subparagraph (1), subparagraph divisions (a) and (e), Code
8 30 2009, are amended to read as follows:

8 31 (a) The person is being considered for licensure ~~or~~
8 32 ~~registration~~ or is ~~registered~~ or licensed under this chapter.

8 33 (e) The person will reside or resides ~~in with~~ a child care
8 34 home ~~that provider who~~ is not ~~registered~~ subject to licensure
8 35 under this chapter but that receives public funding for
9 1 providing child care.

9 2 Sec. 12. Section 237A.5, subsection 2, paragraph a,
9 3 subparagraph (3), subparagraph division (e), Code 2009, is
9 4 amended to read as follows:

9 5 (e) The department has revoked a person's child care
9 6 facility ~~registration~~ or license due to the person's continued
9 7 or repeated failure to operate the child care facility in
9 8 compliance with this chapter and rules adopted pursuant to
9 9 this chapter.

9 10 Sec. 13. Section 237A.5, subsection 2, paragraph b, Code
9 11 2009, is amended to read as follows:

9 12 b. If an individual person subject to a record check is
9 13 being considered for employment by a child care facility or

9 14 child care home provider, ~~in lieu of~~ prior to requesting a
9 15 fingerprint-based record check to be conducted by the
9 16 department under paragraph "c", the child care facility or
9 17 child care home provider may access the single contact
9 18 repository established pursuant to section 135C.33 as
9 19 necessary to conduct a criminal and child abuse record check
9 20 of the individual in this state. A copy of the results of the
9 21 record check conducted through the single contact repository
9 22 shall also be provided to the department. If the record check
9 23 indicates the individual is a person subject to an evaluation,
9 24 the child care facility or child care home provider may
9 25 request that the department perform an evaluation as provided
9 26 in this subsection. Otherwise, the individual shall not be
9 27 employed by the child care facility or child care home
9 28 provider. The cost of accessing the single contact repository
9 29 is the responsibility of the child care facility or child care
9 30 home provider.

9 31 Sec. 14. Section 237A.5, subsection 2, paragraph c, Code
9 32 2009, is amended to read as follows:

9 33 c. ~~(1) Unless a record check has already been conducted~~
9 34 ~~in accordance with paragraph "b", For a person subject to a~~
9 35 ~~record check, in addition to any record check conducted~~

10 1 ~~pursuant to paragraph "b" and the record checks conducted~~
10 2 ~~under subparagraph (2), the person's fingerprints shall be~~
10 3 ~~provided to the department of public safety for submission~~
10 4 ~~through the state criminal history repository to the United~~
10 5 ~~States department of justice, federal bureau of investigation~~
10 6 ~~for a national criminal history check. The cost of the~~
10 7 ~~national criminal history check and any other record checks~~
10 8 ~~conducted under this lettered paragraph is the responsibility~~
10 9 ~~of the department.~~

10 10 (2) In addition to the national criminal history check,
10 11 the department shall conduct a criminal and child abuse record
10 12 check in this state for a person who is subject to a record
10 13 check and may conduct such a child abuse record check in other
10 14 states. In addition, the department may conduct a dependent
10 15 adult abuse, sex offender registry, or other public or civil
10 16 offense record check in this state or in other states for a
10 17 person who is subject to a record check. If record checks of
10 18 a person who is subject to a record check have been conducted
10 19 through the single contact repository as described in
10 20 paragraph "b", the department may forego the record checks
10 21 addressed by this subparagraph.

10 22 (3) If a record check performed pursuant to this lettered
10 23 paragraph identifies an individual as a person subject to an
10 24 evaluation, an evaluation shall be performed to determine
10 25 whether prohibition of the person's involvement with child
10 26 care is warranted. The evaluation shall be performed in
10 27 accordance with procedures adopted for this purpose by the
10 28 department.

10 29 (4) Prior to performing an evaluation, the department
10 30 shall notify the affected person, licensee, ~~registrant~~, or
10 31 child care home provider applying for or receiving public
10 32 funding for providing child care, that an evaluation will be
10 33 conducted to determine whether prohibition of the person's
10 34 involvement with child care is warranted.

10 35 Sec. 15. Section 237A.5, subsection 2, paragraph f,
11 1 subparagraph (2), Code 2009, is amended to read as follows:

11 2 (2) If, within five years prior to the date of application
11 3 for ~~registration or~~ licensure under this chapter, for
11 4 employment or residence in a child care facility or child care
11 5 home, or for receipt of public funding for providing child
11 6 care, a person subject to an evaluation has been convicted of
11 7 a controlled substance offense under chapter 124 or has been
11 8 found to have committed physical abuse, the person shall be
11 9 prohibited from involvement with child care for a period of
11 10 five years from the date of conviction or founded abuse.

11 11 After the five-year prohibition period, the person may submit
11 12 an application for ~~registration or~~ licensure under this
11 13 chapter, or to receive public funding for providing child care
11 14 or may request an evaluation, and the department shall perform
11 15 an evaluation and, based upon the criteria in paragraph "e",
11 16 shall determine whether prohibition of the person's
11 17 involvement with child care continues to be warranted.

11 18 Sec. 16. Section 237A.5, subsection 2, paragraph h, Code
11 19 2009, is amended to read as follows:

11 20 h. If it has been determined that a child receiving child
11 21 care from a child care facility or a child care home is the
11 22 victim of founded child abuse committed by an employee,
11 23 license ~~or registration~~ holder, child care home provider, or
11 24 resident of the child care facility or child care home for

11 25 which a report is placed in the central registry pursuant to
11 26 section 232.71D, the administrator shall provide notification
11 27 at the time of the determination to the parents, guardians,
11 28 and custodians of children receiving care from the child care
11 29 facility or child care home. A notification made under this
11 30 paragraph shall identify the type of abuse but shall not
11 31 identify the victim or perpetrator or circumstances of the
11 32 founded abuse.

11 33 Sec. 17. Section 237A.5, subsections 3 and 4, Code 2009,
11 34 are amended to read as follows:

11 35 3. ~~On or after July 1, 1994, a A licensee or registrant~~
12 1 shall inform all new applicants for employment of the
12 2 possibility of the performance of a record check and shall
12 3 obtain, from the applicant, a signed acknowledgment of the
12 4 receipt of the information.

12 5 4. ~~On or after July 1, 1994, a A licensee or registrant~~
12 6 shall include the following inquiry in an application for
12 7 employment: "Do you have a record of founded child or
12 8 dependent adult abuse or have you ever been convicted of a
12 9 crime, in this state or any other state?"

12 10 Sec. 18. Section 237A.6, Code 2009, is amended to read as
12 11 follows:

12 12 237A.6 ~~CONSULTATIVE~~ CONSULTING SERVICES.

12 13 The department shall, and the director of public health
12 14 may, provide ~~consultative~~ consulting services to a person who
12 15 is applying for a license or registration, or who is licensed
12 16 or registered by the administrator under this chapter.

12 17 Sec. 19. Section 237A.8, Code 2009, is amended to read as
12 18 follows:

12 19 237A.8 VIOLATIONS == ACTIONS AGAINST LICENSE ~~OR~~
12 20 ~~REGISTRATION.~~

12 21 The administrator, after notice and opportunity for an
12 22 evidentiary hearing before the department of inspections and
12 23 appeals, may suspend or revoke a license ~~or certificate of~~
12 24 ~~registration~~ issued under this chapter or may reduce a license
12 25 to a provisional license if the person to whom a license or
12 26 certificate is issued violates a provision of this chapter or
12 27 if the person makes false reports regarding the operation of
12 28 the child care facility to the administrator or a designee of
12 29 the administrator. The administrator shall notify the parent,
12 30 guardian, or legal custodian of each child for whom the person
12 31 provides child care at the time of action to suspend or revoke
12 32 a license ~~or certificate of registration.~~

12 33 Sec. 20. Section 237A.12, subsection 1, unnumbered
12 34 paragraph 1, Code 2009, is amended to read as follows:

12 35 Subject to the provisions of chapter 17A, the department
13 1 shall adopt rules setting minimum standards to provide quality
13 2 child care in the operation and maintenance of child care
13 3 centers and ~~registered~~ child development homes, relating to
13 4 all of the following:

13 5 Sec. 21. Section 237A.13, subsections 2 and 3, Code 2009,
13 6 are amended to read as follows:

13 7 2. Services under the program may be provided ~~in~~ by a
13 8 licensed child care center, a child development home, the home
13 9 of a relative, the child's own home by a relative or by a
13 10 provider who is licensed under this chapter, a child care
13 11 home, or in a facility exempt from licensing or registration
13 12 under the definition of child care in section 237A.1.

13 13 3. The department shall set reimbursement rates as
13 14 authorized by appropriations enacted for payment of the
13 15 reimbursements. The department shall conduct a statewide
13 16 reimbursement rate survey to compile information on each
13 17 county and the survey shall be conducted at least every two
13 18 years. The department shall set rates in a manner so as to
13 19 provide incentives for an ~~unregistered~~ unlicensed provider to
13 20 become ~~registered~~ licensed.

13 21 Sec. 22. Section 237A.19, subsection 2, Code 2009, is
13 22 amended to read as follows:

13 23 2. ~~If registration is required under section 237A.3A, a A~~
13 24 ~~person who establishes, conducts, manages, or operates a child~~
13 25 ~~development home without registering or a license, a person~~
13 26 ~~who operates a child development home contrary to section~~
13 27 ~~237A.5, commits a simple misdemeanor. Each day of continuing~~
13 28 ~~violation after conviction, or notice from the department by~~
13 29 ~~certified mail of the violation, is a separate offense. A~~
13 30 ~~single charge alleging continuing violation may be made in~~
13 31 ~~lieu of filing charges for each day of violation.~~

13 32 Sec. 23. Section 237A.20, Code 2009, is amended to read as
13 33 follows:

13 34 237A.20 INJUNCTION.

13 35 A person who establishes, conducts, manages, or operates a

14 1 ~~child care center or a child development home without a~~
14 2 ~~license or a child development home without a certificate of~~
14 3 ~~registration, if registration is required under section~~
14 4 ~~237A.3A, may be restrained by temporary or permanent~~
14 5 ~~injunction. A person who has been convicted of a crime~~
14 6 ~~against a person, a person with a record of founded child~~
14 7 ~~abuse, or a person who has been prohibited by the department~~
14 8 ~~from involvement with child care may be restrained by~~
14 9 ~~temporary or permanent injunction from providing unregistered,~~
14 10 ~~registered, or licensed child care, being a child care home~~
14 11 ~~provider, or from other involvement with child care. The~~

14 12 action may be instituted by the state, the county attorney, a
14 13 political subdivision of the state, or an interested person.

14 14 Sec. 24. Section 237A.21, subsection 1, Code 2009, is
14 15 amended to read as follows:

14 16 1. A state child care advisory council is established
14 17 consisting of not more than thirty-five members from urban and
14 18 rural areas across the state. The membership shall include,
14 19 but is not limited to, all of the following persons or
14 20 representatives with an interest in child care: a licensed
14 21 center provider, a ~~registered~~ child development home provider
14 22 from a county with a population of less than twenty-two
14 23 thousand, ~~an unregistered~~ a child care home provider, a parent
14 24 of a child in child care, staff members of appropriate
14 25 governmental agencies, and other members as deemed necessary
14 26 by the director. The members are eligible for reimbursement
14 27 of their actual and necessary expenses while engaged in
14 28 performance of their official duties.

14 29 Sec. 25. Section 237A.21, subsection 3, paragraph a, Code
14 30 2009, is amended to read as follows:

14 31 a. Two parents of a child served by a ~~registered~~ child
14 32 development home.

14 33 Sec. 26. Section 237A.25, subsection 2, paragraphs b and
14 34 e, Code 2009, are amended to read as follows:

14 35 b. Information explaining important considerations a
15 1 consumer should take into account in selecting a licensed ~~or~~
15 2 ~~registered~~ child care provider.

15 3 e. An explanation of what it means for a provider to be
15 4 licensed, ~~registered, or unregistered or unlicensed.~~

15 5 Sec. 27. Section 237A.26, subsection 3, paragraph a, Code
15 6 2009, is amended to read as follows:

15 7 a. Organize assistance to child care ~~homes and child~~
15 8 ~~development homes providers~~ utilizing training levels based
15 9 upon the ~~homes'~~ ~~providers'~~ degrees of experience and interest.

15 10 Sec. 28. Section 237A.26, subsection 6, paragraphs a, e,
15 11 and h, Code 2009, are amended to read as follows:

15 12 a. Assist families in selecting quality child care. The
15 13 agency must provide referrals to ~~registered and~~ licensed child
15 14 care facilities, and to persons providing care, supervision,
15 15 and guidance of a child which is not defined as child care
15 16 under section 237A.1 ~~and may provide referrals to unregistered~~
15 17 ~~providers.~~

15 18 e. Provide specialized services to employers, including
15 19 the provision of resource and referral services to employee
15 20 groups identified by the employer and the provision of
15 21 technical assistance to develop employer-supported child care
15 22 programs. The specialized services may include but are not
15 23 limited to working with employers to identify networks of
15 24 recommended ~~registered and~~ licensed child care providers for
15 25 employee groups and to implement employer-supported quality
15 26 improvement initiatives among the network providers.

15 27 h. Administer funding designated within the grant to
15 28 provide a substitute caregiver program for ~~registered~~ child
15 29 development homes to provide substitute child care in a home
15 30 when the home provider is ill, on vacation, receiving
15 31 training, or is otherwise unable to provide the care.

15 32 Sec. 29. FAILURE TO COMPLY. For purposes of determining
15 33 whether a person who is a licensee or license applicant has
15 34 continually or repeatedly failed to operate a child care
15 35 facility in compliance with chapter 237A, the person's failure
16 1 to operate a registered child development home prior to July
16 2 1, 2013, shall be considered to be the same as a failure to
16 3 operate a licensed child development home.

16 4 Sec. 30. EFFECTIVE DATE == APPLICABILITY.

16 5 1. This division of this Act takes effect July 1, 2013.

16 6 2. If a child development home provider was registered
16 7 with the department of human services prior to July 1, 2013,
16 8 and the provider's registration renewal date is on or after
16 9 July 1, 2013, the licensure requirements under chapter 237A,
16 10 as amended by this division of this Act, shall apply to the
16 11 provider beginning on the registration expiration date.

16 12 3. Effective July 1, 2013, unless authorized to operate as
16 13 a child care home provider under section 237A.3, as amended by
16 14 this division of this Act, or unless authorized in subsection
16 15 2, a person who establishes, conducts, manages, or operates a
16 16 child development home without holding or applying for a
16 17 license to do so, commits a crime and is subject to penalty
16 18 under section 237A.19 or injunction under section 237A.20.

16 19 DIVISION III

16 20 CONFORMING AMENDMENTS

16 21 Sec. 31. Section 28.8, subsection 7, Code 2009, is amended
16 22 to read as follows:

16 23 7. It is the intent of the general assembly that community
16 24 empowerment areas consider whether support services to prevent
16 25 the spread of infectious diseases, prevent child injuries,
16 26 develop health emergency protocols, help with medication, and
16 27 care for children with special health needs are being provided
16 28 to child care facilities ~~registered or~~ licensed under chapter
16 29 237A.

16 30 Sec. 32. Section 232.69, subsection 1, paragraph b,
16 31 subparagraph (5), Code 2009, is amended to read as follows:

16 32 (5) An employee or operator of a licensed child care
16 33 center, ~~registered or~~ child development home, head start
16 34 program, family development and self-sufficiency grant program
16 35 under section 216A.107, or healthy opportunities for parents
17 1 to experience success==healthy families Iowa program under
17 2 section 135.106.

17 3 Sec. 33. Section 235A.15, subsection 2, paragraph c,
17 4 subparagraph (3), Code 2009, is amended to read as follows:

17 5 (3) To an administrator of a child care facility
17 6 ~~registered or~~ licensed under chapter 237A if the data concerns
17 7 a person employed or being considered for employment by or
17 8 living in the facility.

17 9 Sec. 34. Section 256C.3, subsection 3, paragraph e, Code
17 10 2009, is amended to read as follows:

17 11 e. Collaboration with participating families, early care
17 12 providers, and community partners including but not limited to
17 13 community empowerment area boards, head start programs, shared
17 14 visions and other programs provided under the auspices of the
17 15 child development coordinating council, licensed child care
17 16 centers, ~~registered and~~ child development homes, area
17 17 education agencies, child care resource and referral services
17 18 provided under section 237A.26, early childhood special
17 19 education programs, services funded by Title I of the federal
17 20 Elementary and Secondary Education Act of 1965, and family
17 21 support programs.

17 22 Sec. 35. Section 256C.3, subsection 4, paragraph b, Code
17 23 2009, is amended to read as follows:

17 24 b. Subject to implementation of chapter 28E agreements
17 25 between a school district and community-based providers of
17 26 services to four-year-old children, a four-year-old child who
17 27 is enrolled in a child care center or child development home
17 28 licensed ~~or registered~~ under chapter 237A, or in an existing
17 29 public or private preschool program, shall be eligible for
17 30 services provided by the school district's local preschool
17 31 program.

17 32 Sec. 36. EFFECTIVE DATE. This division of this Act takes
17 33 effect July 1, 2013.

17 34 EXPLANATION

17 35 This bill relates to regulation of child care by the
18 1 department of human services by providing for licensing of
18 2 child development homes, establishing a regulatory fee, and
18 3 appropriating the fee proceeds. The bill is organized into
18 4 divisions.

18 5 REGULATORY FEE. This division authorizes the department to
18 6 impose a regulatory fee on licensed child care centers and
18 7 registered child care homes, applying tiered amounts based
18 8 upon a child care facility's capacity and a child development
18 9 home category. The maximum regulatory fee for a child care
18 10 center is \$150 and for a child development home is \$100. The
18 11 purpose of the regulatory fee is to augment existing funding
18 12 for regulation of child care facilities in order to phase in
18 13 annual inspections of child development homes and improve
18 14 inspections of child care centers.

18 15 While phasing in the annual inspection of child development
18 16 homes, the department is required to give priority to those
18 17 who recently registered or renewed registration and paid the
18 18 regulatory fee. The department is required to make inspection
18 19 results publicly available through the department's child care
18 20 internet website and other means. The fee proceeds are
18 21 credited to a new child care facility fund which is
18 22 appropriated to the department for the regulatory costs.

18 23 The division includes transition activities for
18 24 implementation of the child development home licensing
18 25 provisions in division II of the bill. The activities include
18 26 implementation of an ongoing public awareness campaign,
18 27 implementation of a voluntary child development home licensing
18 28 program on or after July 1, 2010, for providers who meet
18 29 certain quality standards, and adoption of rules.

18 30 The division includes implementation targets to phase in an
18 31 annual inspection of each child development home by the fiscal
18 32 year beginning July 1, 2013. Implementation of the regulatory
18 33 fee begins January 1, 2010.

18 34 CHILD DEVELOPMENT HOME LICENSING. This division requires
18 35 licensing of child development home providers.

19 1 Code section 237A.1, providing definitions, is amended to
19 2 define the term "relative" to mean an adult person who is one
19 3 of a child's relatives that is listed in the bill, by means of
19 4 blood relationship, marriage, or adoption, or is a spouse of
19 5 one of the relatives listed in the bill. The list of
19 6 relatives includes siblings, grandparents, cousins, aunts, and
19 7 uncles.

19 8 Under current law in Code section 237A.3, a person or
19 9 program providing child care to five children or fewer at any
19 10 one time is a child care home provider and is not required to
19 11 register under Code section 237A.3A as a child development
19 12 home. The bill amends Code section 237A.3 and revises the
19 13 definition of child development home to mean care provided to
19 14 one or more children. The bill provides an exemption to the
19 15 licensure requirement allowing a child care home to operate
19 16 without licensing as a child development home. The exemption
19 17 applies to a relative who provides child care to only related
19 18 children, a person providing before or after school child care
19 19 without charge to only children of friends or neighbors, or a
19 20 person providing child care to only children from a single
19 21 unrelated family.

19 22 Registration-related terminology is replaced with
19 23 licensure-related terminology throughout Code chapter 237A.

19 24 Code section 237A.3A, relating to child development homes,
19 25 is amended to allow the department to implement a provisional
19 26 licensing process for providers who meet essential licensing
19 27 requirements to provide child care until all requirements are
19 28 met. Current law classifies child development home providers
19 29 into "A", "B", and "C" categories based upon the provider's
19 30 capacity and qualifications. The ranking is revised so the
19 31 "A" category meets the most stringent standards and the "C"
19 32 ranking standards are less stringent, the opposite of current
19 33 law.

19 34 Code section 237A.5, relating to criminal and abuse record
19 35 checks of child care providers and persons residing with
20 1 providers, is amended to require a national fingerprint-based
20 2 criminal history record check through the federal bureau of
20 3 investigation. The cost of this check, as is the case under
20 4 current law for Iowa-only criminal history and abuse registry
20 5 record checks, is the responsibility of the department. An
20 6 existing exception to the cost responsibility is maintained so
20 7 providers who opt to use the single contact repository to
20 8 perform the Iowa criminal history and abuse registry checks
20 9 will continue to be responsible for the costs of those checks.

20 10 Code section 237A.13, relating to the state child care
20 11 assistance program, is amended to provide that care under the
20 12 program must be provided by a licensed provider unless
20 13 specifically exempt under the child care definition.

20 14 Code section 237A.19 provides for a simple misdemeanor
20 15 penalty for each day of violation of operating a child
20 16 development home without being licensed. With the bill's
20 17 change allowing fewer children to receive child care from a
20 18 child care home, this penalty would apply to a person
20 19 providing unauthorized child care.

20 20 Existing law in Code section 237A.3A authorizes the
20 21 department to revoke or deny a child care registration for a
20 22 provider's continual failure to comply with requirements. The
20 23 bill contains an uncodified provision providing that the
20 24 provider's failure to comply with registration requirements
20 25 prior to July 1, 2013, can be used for denial of child
20 26 development home licensing.

20 27 An additional transition provision is included for
20 28 implementation of the changes for child care home and child
20 29 development home providers effective July 1, 2013. The
20 30 licensing requirement initially applies to providers who were
20 31 registered as child development home providers prior to July
20 32 1, 2013, at the time the two-year registration expires.

20 33 The bill states unless a provider is authorized to operate

20 34 as a child care home provider or is subject to the
20 35 registration expiration exception under the terms of the bill,
21 1 a person who operates a child development home without a
21 2 license commits a crime and is subject to penalty or
21 3 injunction.
21 4 The division takes effect July 1, 2013.
21 5 CONFORMING AMENDMENTS. This division eliminates references
21 6 to registered child care in various Code provisions, primarily
21 7 other than Code chapter 237A.
21 8 The division takes effect July 1, 2013.
21 9 LSB 2041HV 83
21 10 jp/nh/24